

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 164 - HB 1375

March 17, 2017

SUMMARY OF BILL: Creates two adult recovery court senior judge positions under the *Senior Judge Enabling Act*, Tenn. Code Ann. § 17-2-301 et seq.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$49,600/One-Time
\$469,200/Recurring**

Assumptions:

- The senior judges shall assist the various adult recovery courts across the state when the elected judge of that court resigns, retires, dies, or is otherwise unavailable or unable to serve the needs of the court.
- Adult recovery courts include drug courts, DUI courts, mental health courts, and veterans treatment courts.
- Under the *Senior Judge Enabling Act*, a senior judge receives a salary calculated on the amount of time the senior judge actually works based on a rate of payment equal to the current compensation of the former office held by the senior judge. However, if a senior judge that receives retirement allowance, then the combined annual amount of retirement allowance and annual salary received cannot exceed the current annual compensation of the office from which the justice or judge retired.
- There is insufficient data to reasonably determine the average salary received by the two senior judges created by the proposed legislation. However, based on information from the Administrative Office of the Courts (AOC), it is assumed that each senior judge will receive approximately \$100,000 in annual salary.
- Each senior judge will require \$30,600 in recurring state expenditures for travel, rent, books/online subscriptions, and supplies and \$23,000 in nonrecurring state expenditures for furniture and books.
- The proposed legislation will increase recurring state expenditures by \$312,894 $\{[\$100,000 + (\$100,000 \times 11.27\% \text{ benefits}) + (\$100,000 \times 7.25\% \text{ FICA}) + \$6,926.76 \text{ insurance} + \$30,600 \text{ travel, books, etc.}] \times 2 \text{ senior judges}\}$ and nonrecurring state expenditures by \$46,000 $(\$23,000 \times 2 \text{ senior judges})$.
- Under Tenn. Code Ann. § 17-2-305(c), each senior judge is entitled to secretarial and research assistance. According to the AOC, most senior judges opt for a law clerk rather than a secretary.

- Each law clerk will receive a salary of \$56,868. Each law clerk will require \$3,600 in recurring state expenditures for travel and \$1,800 in nonrecurring state expenditures for furniture.
- The proposed legislation will increase recurring state expenditures by \$156,308 $\{[\$56,868 + (\$56,868 \times 11.27\% \text{ benefits}) + (\$56,868 \times 7.25\% \text{ FICA}) + \$6,926.76 \text{ insurance} + \$3,600 \text{ travel}] \times 2 \text{ law clerks}\}$ and nonrecurring state expenditures by \$3,600 $(\$1,800 \times 2 \text{ law clerks})$.
- The proposed legislation will increase recurring state expenditures by \$469,202 $(\$312,894 + \$156,308)$ and nonrecurring state expenditures by \$49,600 $(\$46,000 + \$3,600)$.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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